



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

IN THE MATTER OF:

N.S. GILES FOUNDATIONS, INC.)	ADMINISTRATIVE CONSENT
DEDHAM, MAINE)	AGREEMENT
§ 413)	(38 M.R.S.A. § 347-A)
2008-004-L)	

This Agreement, by and among N.S. Giles Foundations, Inc., the State of Maine, Department of Environmental Protection ("Department"), and the State of Maine, Department of the Attorney General ("AG"), as approved by the Maine Board of Environmental Protection ("Board"), is entered into pursuant to the laws concerning the Department's *Organization and Powers*, 38 M.R.S.A. § 347-A(1).

The parties agree as follows:

1. J&R LLC owns a parcel of land on Lakeview Avenue in Dedham, Maine as described and recorded in Book 4372 on Page 329 of the Hancock County Registry of Deeds.
2. N.S. Giles Foundations, Inc. is a Maine corporation authorized to conduct business in Maine and which was hired to construct a foundation on site. Janette Giles is the Treasurer of N.S. Giles Foundations, Inc.
3. The property described in Paragraph 1 of this Agreement is adjacent to Phillips Lake which is a great pond as defined by the *Natural Resources Protection Act*, 38 M.R.S.A. § 480-B(5), and waters of the State as defined by the *Protection and Improvement of Waters Act*, 38 M.R.S.A. § 361-A(7).
4. On June 21, 2007, an inspection of the property referred to in Paragraph 1 of this Agreement revealed that employees of N.S. Giles Foundations, Inc. were pumping water containing silt from a foundation excavation into Phillips Lake. A thin layer of sediment was observed on the lake bottom in the area where the discharge was observed. N.S. Giles Foundations, Inc. did not obtain a permit from the Department for this activity. At the time of inspection, a silt fence was installed between the earthwork on site and the lake.
5. By discharging pollutants, namely soil material, to waters of the State without first obtaining a permit from the Department, N.S. Giles Foundations, Inc. violated the *Protection and Improvement of Waters Act*, 38 M.R.S.A. § 413.

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 760-3143

N.S. GILES FOUNDATIONS, INC.
DEDHAM, MAINE
§413
2008-004-L

) ADMINISTRATIVE CONSENT
) AGREEMENT
) (38 M.R.S.A. § 347-A)
)

6. On December 18, 2007, the Department issued a Notice of Violation to N.S. Giles Foundations, Inc. regarding the violation described in Paragraphs 4 and 5 of this Agreement.
7. The Board has regulatory authority over the activities described herein.
8. This Agreement shall become effective only if accepted by the Board and approved by the Attorney General.
9. To resolve the violations referred to in Paragraphs 4 and 5 of this Agreement, N.S. Giles Foundations, Inc agrees to:
 - A. No later than December 31, 2009, have no less than three foremen attend a Department Nonpoint Source Training Center workshop that focuses on erosion and sedimentation control devices and Best Management Practices (BMP's). Documentation of successful completion of the workshop must be sent to Department staff by no later than January 31, 2010.
 - B. Pay to the Treasurer, State of Maine, upon demand by the Department, the sum of one hundred dollars (\$100.00) per day per violation for the violation of any provision of this consent agreement.
 - C. Pay the Treasurer, State of Maine, upon signing this Agreement, the sum of One Thousand dollars (\$1,000.00) as a civil monetary penalty.

N.S. GILES FOUNDATIONS, INC.
DEDHAM, MAINE
§413
2008-004-L

) ADMINISTRATIVE CONSENT
) AGREEMENT
) (38 M.R.S.A. § 347-A)
)

10. The Board and the State of Maine Attorney General grant N.S. Giles Foundations, Inc. a release of their causes of action against N.S. Giles Foundations, Inc. for the specific violations listed in Paragraphs 4 and 5 of this Agreement on the express condition that all actions listed in Paragraph 9 of this Agreement are completed in accordance with the express terms and conditions of this Agreement. The release shall not become effective until this condition is satisfied.

IN WITNESS WHEREOF the parties hereto have executed this Agreement consisting of three (3) pages.

N.S. GILES FOUNDATIONS, INC.

BY: 

JANETTE GILES, TREASURER

DATE: 11/3/09

BOARD OF ENVIRONMENTAL PROTECTION

BY: _____

SUSAN M. LESSARD, CHAIR

DATE: _____

SEEN AND AGREED TO:

STATE OF MAINE

BY: _____

MARGARET A. BENSINGER, ASSISTANT ATTORNEY GENERAL

DATE: _____